REMARKS

This is meant to be a complete response to the Office Action mailed January 5, 2009. Claims 1 and 20 have been amended to clarify the language within these claims. Claim 3 has been cancelled and incorporated into claim 1 in an effort to expedite prosecution. Claims 31 and 32 have been added to encompass additional commercial embodiments of Applicant's inventive concepts. Applicant respectfully submits that the claims, as currently pending, are now in a condition for allowance.

Amendment to the Specification

Applicant's disclosure has been amended to clarify in paragraph [0032] that if an application program that might interfere with the operation of the application program opening the content file is not operating, the unlocking program 16 branches to a step 60. This clarification distinguishes application programs that might interfere with the operation of the application program, from the actual application program that opens the password protected content file.

The above amendments are supported by the preceding paragraph [0031] in the disclosure which states:

> If the other application program(s) are detected, then the unlocking program 16 branches to a step 52 where a warning is provided to the user to terminate the use of the other application programs. If the other application program(s) is not terminated, the unlocking program 16 branches to a step 54 and exits the unlocking program 16.

Applicant has taken special care to avoid the inclusion of new matter into the specification and as such, the amendments are provided only for purposes of clarification.

Claim Objections

In the Office Action dated January 5, 2009, the Examiner objected to claims 20-30 due to informalities. Applicant has amended claims 20-21 and 24-27 to clarify the language within these claims.

Claim Rejections—35 U.S.C. §103(a)

In the Office Action dated January 5, 2009, the Examiner rejected claims 1, 4 and 20-21 under 35 U.S.C. § 103(a) as being unpatentable over Graunke et al. (U.S. Patent No. 5,991,399) in view of Vestergaard et al. (U.S. Patent No. 7,466,823). Without conceding the propriety of the asserted combination, Applicant respectfully submits that the asserted combination does not disclose at least the aforementioned features of claims 1, 4, and 20-21 for at least the following reason(s).

Applicant's claim 1, as amended, recites a method for distributing a password protected content file without revealing to a recipient a password that protects the password protected content file. The currently recited method has two steps. First, the unlocking program is distributed to the recipient's computer. The unlocking program has a password embedded within the unlocking program that corresponds to the password that protects the password protected content file. Second, the password

protected content file is distributed to the recipient's computer. The unlocking program runs separately from and monitors at least one application program and then ***automatically supplies*** a password embedded within the unlocking program to the application program upon the application program loading the password protected content file wherein the password embedded within the unlocking program is not revealed to the recipient. Security is increased due to the password being embedded within the unlocking program itself, rather than requiring the unlocking program to access an external database to retrieve the password.

Claim 20, as amended, recites an unlocking program for unlocking a password protected content file stored on a computer readable medium and readable by an application program. The password protected content file is locked with a password. The unlocking program is embedded with a password corresponding to the password locking the password protected content file. The unlocking program also has instructions to monitor the application program and ***automatically supply*** the password locking the password protected content file to the application program upon the application program loading the password protected content file. The password locking the password protected content file is never revealed to the recipient.

With respect to claim 1, the Examiner stated the following in support of her rejection:

> *"Please note that tamper resistant key module containing the necessary key to decrypt the content corresponds to Applicant's unlocking program having a password embedded*

within the unlocking program and client corresponds to Applicant's recipient computer"

In contrast to Applicant's inventive concepts, Graunke teaches secure distribution of a private key to a user's application program (a.k.a a "trusted player") with conditional access based on verification of the trusted player's integrity and authenticity. [Abstract] Graunke defines the tamper resistant key module 52 as a "plug in" which contains one or more passwords/keys that is generated to work with the trusted player. [Col. 7 lines 41-45] In other words, the process is not automatic in that the trusted player and the "plug in" must communicate back and forth. According to Graunke, the trusted player sends a request to the "plug in" for the password/key and the password/key is then communicated back to the trusted player from the "plug in." In other words, the trusted player has to initiate a call or request to the "plug in" before the password is supplied. Therefore, the Graunke reference does not teach, mention, or suggest the claim limitation of an unlocking program that runs separately from and monitors at least one application program and ***automatically supplies*** a password embedded within the unlocking program to the application program upon the application program loading the password protected content file, as required in Applicant's independent claim 1.

Furthermore, the Examiner states that:

"The trusted player uses the private key wrapped into an executable tamper resistant key module to decrypt encrypted digital content – e.g. abstract and col. 8, line 61 – col. 9, line 1."

As the Examiner clearly points out, the key module of the Graunke reference decrypts the digital content itself rather than the trusted player. Moreover, Graunke states that "the key module plugs in to the trusted player and executes to validate the player and decrypt the content." [Abstract, emphasis added] Therefore, the Graunke reference does not teach, mention, or suggest an unlocking program that automatically supplies a password embedded within the unlocking program ***to the application program*** upon the application program loading the password protected content file, as required in Applicant's independent claim 1.

The Examiner correctly states that Graunke does not explicitly disclose the feature that the password embedded within the unlocking program is not revealed to the recipient, but the Vestergaard reference does not provide sufficient disclosure to remedy the deficiencies of Graunke.

The Examiner states that Vestergaard teaches that the "consumer never comes into contact with a decryption key, as the issuance and installation of a decryption key is done automatically and transparently to the user." Applicant respectfully disagrees because although Vestergaard mentions that the consumer never comes into direct contact with a decryption key, Vestergaard also states that the "Song Key is stored within a file of the Consumer's system to allow the Consumer to access the MPE file while off-line." [Col. 14, lines 47-56] Therefore, as the key is stored on the consumer's machine, the key is readily accessible by anyone with access to the consumer's system. As such, Vestergaard does not teach, mention, or suggest that the password embedded

within the unlocking program is not revealed to the recipient, as required in Applicant's independent claim 1.

Applicant respectfully submits that one of ordinary skill would not have been motivated to combine the Graunke reference with the Vestergaard reference and that the Graunke reference provides no teaching, suggestion or motivation for incorporating any additional features from the Vestergaard reference.

With regards to claim 20, the arguments and remarks set forth above concerning the teachings of Graunke and Vestergaard as to the Examiner's rejection of independent claim 1 are equally applicable to claim 20, and will not be repeated but such are expressly incorporated herein by reference.

In view of the above, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and 20 under 35 U.S.C. §103(a). Additionally, as claim 4 depends from claim 1 and claim 21 depends from claim 20, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Claim Rejections—35 U.S.C. § 103(a)

In the Office Action dated January 5, 2009, the Examiner rejected claims 3 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Graunke et al. (U.S. Patent No. 5,991,399) in view of Vestergaard et al. (U.S. Patent No. 7,466,823) and further in view of Pace et al. (U.S. Patent No. 6,460,050). Claim 3 has been cancelled and incorporated into claim 1. Without conceding the propriety of the asserted combination,

Applicant respectfully submits that the asserted combination does not disclose at least the aforementioned features of claim 23 for at least the following reason(s).

With regards to claim 23, the arguments and remarks set forth above concerning the teachings of Graunke and Vestergaard as to the Examiner's rejection of independent 20 are equally applicable to claim 23, and will not be repeated but such are expressly incorporated herein by reference.

The Pace reference does not remedy the deficiencies of Graunke and Vestergaard for at least the following reason(s). While Pace teaches a distributed content classification system which utilizes a digital identifier for each piece of content which is sought to be classified, and characterizes the content based on this ID [Col. 3, lines 7-10], Pace does not teach, mention, or suggest a system which runs separately from and monitors at least one application program and then automatically supplies a password embedded within the unlocking program to an application program, as required in Applicant's claims.

Applicant respectfully submits that one of ordinary skill would not have been motivated to combine the Graunke reference with either the Vestergaard or Pace references and that the Graunke reference provides no teaching, suggestion or motivation for incorporating any additional features from the Vestergaard or Pace references.

In view of the above, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 23 under 35 U.S.C. §103(a).

Claim Rejections—35 U.S.C. § 103(a)

In the Office Action dated January 5, 2009, the Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Graunke et al. (U.S. Patent No. 5,991,399) in view of Vestergaard et al. (U.S. Patent No. 7,466,823) and further in view of Schreiber et al. (U.S. Patent No. 6,298,446). Without conceding the propriety of the asserted combination, Applicant respectfully submits that the asserted combination does not disclose at least the aforementioned features of claim 22 for at least the following reason(s).

With regards to claim 22, the arguments and remarks set forth above concerning the teachings of Graunke and Vestergaard as to the Examiner's rejection of independent 20 are equally applicable to claim 22, and will not be repeated but such are expressly incorporated herein by reference.

Schreiber discloses a method and system for copyright protection of digital images transmitted over networks. Although Schreiber discloses disabling screen captures of images located on web sites [Col. 2, lines 27-30], Schreiber does not teach, mention, or even suggest preventing a screen captures representing at least a portion of the content stored in a password protected content file, as required in Applicant's claim 22.

Applicant respectfully submits that one of ordinary skill would not have been motivated to combine the Graunke reference with either the Vestergaard or Schreiber references as one would not be motivated to prevent the screen capture of content provided on a trusted player as disclosed in the Graunke reference, nor would one be

motivated to prevent the screen capture of MPE music files disclosed in the Vestergaard reference. Furthermore, the Graunke reference provides no teaching, suggestion or motivation for incorporating any additional features from the Vestergaard or Schreiber references.

In view of the above, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. §103(a).

Claim Rejections—35 U.S.C. § 103(a)

In the Office Action dated January 5, 2009, the Examiner rejected claims 24-29 under 35 U.S.C. § 103(a) as being unpatentable over Graunke et al. (U.S. Patent No. 5,991,399) in view of Vestergaard et al. (U.S. Patent No. 7,466,823) and further in view of Winneg et al. (U.S. Patent No. 7,069,586). Without conceding the propriety of the asserted combination, Applicant respectfully submits that the asserted combination does not disclose at least the aforementioned features of claims 24-29 for at least the following reason(s).

With regards to claims 24-29, the arguments and remarks set forth above concerning the teachings of Graunke and Vestergaard as to the Examiner's rejection of independent 20 are equally applicable to claims 24-29, and will not be repeated but such are expressly incorporated herein by reference.

While we agree with the Examiner that neither Graunke nor Vestergaard disclose the running of at least one system administration program capable of terminating the program and automatically terminating the system administration program/the

application program upon detecting the running of such system administration program and to prevent termination of a program, the Winneg reference does not supply the aforementioned deficiencies. More specifically, Winneg teaches a method and system for securely executing an application on a computer system such that a user of the computer system cannot access or view unauthorized content available on the computer system. [Abstract]

Winneg does not teach, mention, or even suggest an unlocking program that has instructions to monitor the application program and ***automatically supply*** the password locking the password protected content file to the application program upon the application program loading the password protected content file and furthermore that the unlocking program includes instructions that monitor the running of at least one system administration program capable of terminating the unlocking program, where the administration program may include a TaskManager program provided with a Windows operating system.

Applicant respectfully submits that one of ordinary skill would not have been motivated to combine the Graunke reference with either the Vestergaard or Winneg references. Terminating the operation of the trusted player by any means would destroy the inventive concept disclosed in Graunke as the trusted player would not be able to function to request the password from the "plug in." Additionally, terminating the distribution and/or decryption of the electronic media disclosed in Vestergaard would reduce the inventive concept to an inoperable method as terminating the distribution and/or decryption of the electronic media would result in unusable electronic media.

Furthermore, the Graunke reference provides no teaching, suggestion or motivation for incorporating any additional features from the Vestergaard or Winneg references.

In view of the above, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 24-29 under 35 U.S.C. §103(a).

Claim Rejections—35 U.S.C. § 103(a)

In the Office Action dated January 5, 2009, the Examiner rejected claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Graunke et al. (U.S. Patent No. 5,991,399) in view of Vestergaard et al. (U.S. Patent No. 7,466,823) and further in view of Rodgers et al. (U.S. Patent No. 7,210,039). Without conceding the propriety of the asserted combination, Applicant respectfully submits that the asserted combination does not disclose at least the aforementioned features of claim 30 for at least the following reason(s).

With regards to claim 30, the arguments and remarks set forth above concerning the teachings of Graunke and Vestergaard as to the Examiner's rejection of independent 20 are equally applicable to claim 30, and will not be repeated but such are expressly incorporated herein by reference.

While we agree with the Examiner that neither Graunke nor Vestergaard disclose that the file is a .pdf file, Rodgers does not provide sufficient disclosure which remedies the deficiency. Rodgers discloses a system and method for securely publishing and controlling the usage of digital content such that an owner can distribute the digital content securely in a digital form. [Abstract] Rodgers does not teach, mention, or

suggest an unlocking program that has instructions to monitor the application program and ***automatically supply*** the password locking the password protected content file to the application program upon the application program loading the password protected content file, wherein the password protected content file is characterized as a .pdf file. Again, similarly to Graunke, Rodgers teaches that the application program request an appropriate "plug in" before the XML content is decrypted, allowing the file to be opened. [Col. 11, lines 41-52]

Applicant respectfully submits that one of ordinary skill would not have been motivated to combine the Graunke reference with either the Vestergaard or Rodgers references. Furthermore, the Graunke reference provides no teaching, suggestion or motivation for incorporating any additional features from the Vestergaard or Rodgers references.

In view of the above, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 30 under 35 U.S.C. §103(a).

Newly Added Claims

Claims 31 and 32 have been added to encompass an additional commercial embodiment of Applicant's inventive concepts. Applicant has taken special care to avoid the inclusion of new matter with the addition of claims 31 and 32. Support for these additional embodiments can be located in at least ¶¶ 31-33 of Applicant's disclosure which states, in part:

> *In the step 60,* ***the unlocking program 16 executes the application program****, and waits to detect the active*

presence of the application program. If the application program is not detected after a predetermined number of efforts, or time delay, the unlocking program 16 branches to a step 62. In the step 62, the unlocking program 16 warns the user and then exits the unlocking program 16.

[0033] If the application program was successfully started in step 60, the unlocking program 16 branches to a step 64 in which the unlocking program 16 executes the following steps in a looping, continuous manner.

CONCLUSION

This is meant to be a complete response to the Office Action mailed January 5, 2009. Applicants respectfully submit that each and every rejection has been overcome. Favorable action is respectfully solicited.

Should the Examiner have any questions regarding this Amendment, or the remarks contained herein, Applicants' attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,

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